

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THERIN POWELL,

No. 4:21-CV-01425

Plaintiff,

(Chief Judge Brann)

v.

(Magistrate Judge Carlson)

LYCOMING COUNTY PRISON, *et al.*,

Defendants.

ORDER

OCTOBER 29, 2021

Therin Powell filed this 42 U.S.C. § 1983 civil rights complaint alleging that his rights were violated by the deduction of funds from his inmate trust account.¹ On August 23, 2021, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court dismiss the complaint without prejudice for failure to state a claim.² No timely objections were filed to this Report and Recommendation.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.³ Regardless of whether objections are made, district courts may accept, reject, or modify—in whole or in part—the

¹ Doc. 1.

² Doc. 7.

³ Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

findings or recommendations made by the magistrate judge.⁴ Upon review of the record, the Court finds no error—clear or otherwise—in Magistrate Judge Carlson’s conclusion that Powell’s complaint fails to state a claim. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson’s Report and Recommendation (Doc. 7) is **ADOPTED**;
2. Powell’s complaint (Doc. 1) is **DISMISSED** without prejudice; and
3. Powell shall file an amended complaint on or before Monday, November 29, 2021. Failure to file an amended complaint will result in this matter being closed.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
Chief United States District Judge

⁴ 28 U.S.C. § 636(b)(1); Local Rule 72.31.